IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6588 of 2005

Between:

Pasala Siva Rama Krishna S/o. Veerraju
R/o. Bornagudem (V) Rajavommangi (M),
East Godavary District.

..... PETITIONER

AND

1 The Additional Agent to the Government, E.G. District at Rampachodavaram.
2 The Special Deputy Collector (TW) Rampachodavaram, East Godavary District.
3 The Mandal Revenue Officer, Rajavommangi, E.G. District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 4.42 acres in Sy.No. 4/2, of Bornagudem VIllage Rajavommangi Mandal, E.G. District in pursuance of the order passed by the 2nd respondent in L.T.R.P.No. 183/2004 as illegal, arbitrary and unjust and consequently direct the respondents 2 & 3 not to evict the petitioner from the above land pending disposal of the appeal or stay petition preferred before the 1st respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in evicting the petitioner from the land to an extent of Ac.4.42 cents in Sy.No.4/2 of Bornagudem village, Rajavommangi Mandal, East Godavari District in pursuance of the order dated 23.12.2004 passed by the 2nd respondent in L.T.R.P.No.183/2004 as illegal and arbitrary.

The claim of the petitioner is that since 20 years, he has been in continuous possession and enjoyment of the land in question. The 2nd respondent, by an order, dated 23.12.2004, ordered eviction of the petitioner from the land in question for restoration of the same to the Government for onward distribution to eligible tribals. Challenging the same, this writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

It is stated in the affidavit filed in support of the writ petition that against the order, dated 23.12.2004 in L.T.R.P.No.183/2004 passed by the 2nd respondent, an appeal has been preferred by the petitioner before the 1st respondent and it is pending. Hence, the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

Therefore, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal, if any, preferred by the petitioner against the impugned order, within a period of four weeks from today. If an appeal has already been preferred, status quo as on today shall

be maintained till the disposal of the appeal. If no appeal is preferred, there is no status quo order. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

29th March, 2005

bcj

To

1 The Additional Agent to the Government, E.G. District at Rampachodavaram.
2 The Special Deputy Collector (TW) Rampachodavaram, East Godavary District.
3 The Mandal Revenue Officer, Rajavommangi, E.G. District.

4 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)

5 2 CD copies

3 1 CC to MR.VENKATESH